

REMARKS/ARGUMENTS

Description of Amendments

Claims 1, 4-8, 20, 24, and 25 are now pending and under examination.

Telephone interview summary

Applicant's attorney greatly appreciates the courtesy extended by Examiners Garcia and Stodola during the course of two telephone interviews conducted on May 14, 2004.

In the interviews, Applicant's attorney pointed out that U.S. patent law does not require that inventive activities, used to establish an invention date, must take place in the U.S. (the activities can take place in the U.S., a NAFTA country, or a WTO member country). Accordingly, it is improper to state in the Office Action of May 6, 2004 that Applicant's declaration filed on February 11, 2004 was ineffective because the inventive activities did not occur in this country (i.e. U.S.). Applicant's attorney further pointed out that MPEP 715, Reference Date to Be Overcome, (D) concerns activities for establishing the date of a prior art reference and not activities for establishing invention date. Examiner Stodola then asked Applicant's attorney to reiterate his arguments in a response.

Rejection under 35 USC §102

Claims 1, 4, 8, 20, 24, and 25 were rejected under 35 USC §102(e) as being anticipated by Sander (US Patent 6,182,527). The Examiner argued that Applicant's declaration filed on February 11, 2004 was ineffective because the inventive activities did not occur in this country (i.e. U.S.).

As stated in the interviews, U.S. patent law does not require that inventive activities, used to establish an invention date, must take place in the U.S. In fact, the activities can take place in the U.S., a NAFTA country, or a WTO member country. Accordingly, it is improper to state in the Office Action of May 6, 2004 that

Application No. 09/726,589
Reply After Final dated June 9, 2004
Response to Office Action dated May 6, 2004

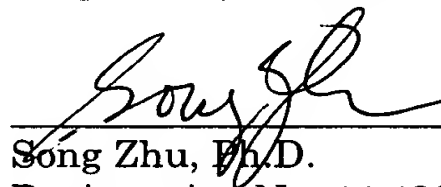
Applicant's declaration filed on February 11, 2004 was ineffective because the inventive activities did not occur in this country (i.e. U.S.). Therefore, Sander is not prior art to the present application under 35 USC §102(e). Accordingly, Sander does not anticipate the claimed invention.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #038738.49427US).

Respectfully submitted,

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